

**WARD & OLIVO**  
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NEW YORK, NEW YORK 10017  
(212) 697-6262  
FAX (212) 972-5866

E-MAIL: mail@wardolivo.com

February 9, 2006

VIA TELEFACSIMILE (571) 273-6500

Refund Department  
United States Patent & Trademark Office  
Washington, D.C. 20231

Re: Incorrect Charge to Ward & Olivo Deposit Account No. 23-0420

Dear USPTO Researcher:

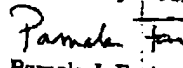
It has come to our attention that a charge dated 1/26/06 to our deposit account (no. 23-0420) in the amount of \$1,190.00 for Application Serial No. 09/332,863 (our docket no. 222-005R) is incorrect. A copy of the January 2006 statement for the account is enclosed.

Upon review of our records, it has been determined that this amount covers the fees for a Request for Continued Examination (\$395.00) and an Extension of Time for Response within Fourth Month (\$795.00). We authorized these fees to be charged to our deposit account via a Request for Continued Examination Transmittal form sent to the PTO on January 17, 2006. A copy of this Transmittal form is enclosed. As indicated on this Transmittal form, a check in the amount of \$795.00 was also sent to the PTO to cover fees for an Extension of Time. As a result, it appears we paid twice for this Extension, once via check and once via deposit account. Therefore, we are requesting that you credit our deposit account in the amount of \$795.00.

If you have any questions, please feel free to contact me at any time.

Best Regards.

Very Truly Yours,

  
Pamela J. Farina  
Billing Manager

Enclosures

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WARD & OLIVO

Deposit Account Statement

PAGE 03

Page 1 of 1



United States  
Patent and  
Trademark Office

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Deposit Account Statement

Requested Statement Month: January 2006  
Deposit Account Number: 230420  
Name: WARD & OLIVO  
Attention: JUDY HERMAN  
Address: 382 SPRINGFIELD AVENUE  
City: SUMMIT  
State: NJ  
Zip: 07901  
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/26	74	09332863	222-005	1254	\$1,190.00	\$2,001.00
01/26	190	10308768		8007	\$20.00	\$1,981.00
01/26	191	10717198		8007	\$20.00	\$1,961.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,191.00	\$1,230.00	\$ .00	\$1,961.00

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WARD &amp; OLIVO

PAGE 04



Approved for use through 07/31/2006, CMS 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
PTO/SB/40 (08-03)  
If serving a valid CMS control number.

**Request for Continued Examination (RCE) Transmittal**

Application Number	08/332,863
Filing Date	June 15, 1989
First Named Inventor	Imperial
Art Unit	1751
Examiner Name	B. Mruk
Attorney Docket Number	222-005

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other **PRELIMINARY AMENDMENT**

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-0420

a. ☒ RCE fee required under 37 CFR 1.17(e)

i. ☒ Extension of time fee (37 CFR 1.138 and 1.17)

ii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 795.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type) David M. Hill Registration No. (Attorney/Agent) 48,170

Signature [Signature] Date January 17, 2006

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type) David M. Hill Date January 17, 2006

Signature [Signature]


This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FOR (22-005) 01/32/03		
Small Business Services Patent Division EST. PCE		
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**FACSIMILE TRANSMISSION COVER SHEET**

TO

Name: Refunds Department  
Company or Firm: USPTO  
Facsimile Tel.: (571) 273-6500

FROM

**WARD & OLIVO**  
382 Springfield Avenue  
Summit, NJ 07901  
Telephone: (908) 277-3333  
Facsimile: (908) 277-6373

Name of Sender: Pamela Farina

Date: 2/9/06

Pages (including this page): 5

Client Matter No.: 222-005R

If there is a problem with this transmittal, please telephone us at (908) 277-3333.

COMMENTS

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PTO/SB/30 (09-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/332,863
Filing Date	June 15, 1999
First Named Inventor	Imperial
Art Unit	1751
Examiner Name	B. Mruk
Attorney Docket Number	222-005

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- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other PRELIMINARY AMENDMENT
2. **Miscellaneous**
- ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 23-0420
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 795.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	David M. Hill	Registration No. (Attorney/Agent)	48,170
Signature		Date	January 17, 2006

**CERTIFICATE OF MAILING OR TRANSMISSION**

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Name (Print/Type)	David M. Hill	Date	January 17, 2006
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/06/2006 SFELEKE1 00000009 230420

395.00 DA

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Adjustment date: 03/06/2006 SFELEKE1  
01/26/2006 SSESHE1 00000044 230420 09332863  
01 FC:2801 -395.00 DP



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Imperial

Serial No.: 09/332,863

Group Art Unit: 1751

Filed: June 15, 1999

Examiner: Mruk, B.

For: ONE STEP METHOD AND  
COMPOSITIONS FOR  
SIMULTANEOUSLY COLORING AND  
HIGHLIGHTING HAIR

Atty. Doc. No.: REV 99-10 (222-005)

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME UNDER  
37 C.F.R. SECTION 1.136(a)**

S I R:

It is respectfully requested that the time for filing an Appeal Brief or an RCE pursuant to the Notice of Appeal dated June 16, 2005 be extended for a period of five (5) months from August 16, 2005 to and including January 17, 2006.

Respectfully submitted,

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

Dated: January 17, 2006

Adjustment date: 03/06/2006 SFELEKE1  
01/26/2006 SSESHE1 00000044 230420 09332863  
02 FC:1254 1190.00 CR -400.00 DP

01/26/2006 SSESHE1 00000044 230420 09332863  
02 FC:1254 1190.00 DA 400.00 DP

03/06/2006 SFELEKE1 00000009 230420 09332863  
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